



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



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10 October 2006

Mr. Bill Jennings, Chairman
California Sportfishing Protection Alliance (CSPA)
Watershed Enforcers
3536 Rainier Ave.
Stockton, CA 95204

RESPONSE TO COMMENTS - TENTATIVE CLEANUP & ABATEMENT ORDER, COFFEE PETROLEUM, INC., COFFEE LEASE, ROUND MOUNTAIN OIL FIELD, KERN COUNTY

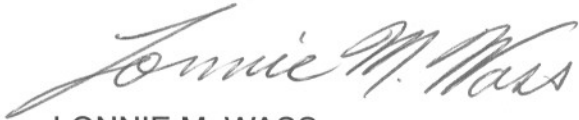
Regional Water Board staff reviewed your comments dated 2 October 2006 regarding the tentative Cleanup & Abatement Order (CAO) for the Coffee Lease in the Round Mountain Oil Field, Kern County. The Coffee Lease is owned and operated by Coffee Petroleum, Inc.

In CSPA's letter, there is no objection to the rescission of Waste Discharge Requirements Resolution No. 58-375, which authorizes Coffee Petroleum, Inc. (Discharger) to discharge wastewater to the unlined sumps with certain conditions. Further, CSPA does not object to the language in the tentative order that requires the Discharger to immediately cease the discharge and cleanup and abate the past discharges of the waste. However, what the letter does state is that CSPA believes it is outrageous that the Regional Water Board is refusing to assess monetary penalties to a "recalcitrant discharger for egregious long-standing violations of Porter-Cologne and the federal Clean Water Act." CSPA further states that, at a minimum, the Regional Water Board must issue an administrative civil liability that recovers "the economic benefit the Discharger has achieved from years of flagrant noncompliance, including interest." It is also stated that the Regional Water Board should recover its staff costs.

The Regional Water Board staff has been and is considering the issuance of monetary civil liability or penalties to the Discharger. The Regional Water Board has discretion as to the type and timing of the consideration of enforcement action. Regional Water Board staff believe the proposed CAO rescinding the 1958 resolution, and requiring the Discharger to cease discharge upon its issuance, develop an appropriate disposal alternative, and to develop and effect cleanup of the affects of the past discharge, is the appropriate enforcement document to be considered by the Regional Water Board at this time.

California Environmental Protection Agency

Should you have any questions regarding this matter, please contact Douglas Wachtell at (559) 445-5114 or at dwachtell@waterboards.ca.gov.

A handwritten signature in cursive script, reading "Lonnie M. Wass".

LONNIE M. WASS
Supervising Engineer
RCE No. 38917

cc: Ms. Frances McChesney, OCC, SWRCB, Sacramento
Mr. Brett Cooper, Coffee Petroleum, Inc., Bakersfield
Ms. Judy Smoot, Coffee Petroleum, Inc., Bakersfield